

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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SECURITIES INVESTOR PROTECTION
CORPORATION,

Adv. Pro. No. 08-01789 (BRL)

Plaintiff-Applicant,

SIPA LIQUIDATION

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

(Substantively Consolidated)

Defendant.

-----x
In re:

BERNARD L. MADOFF,

Debtor.

-----x
IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

Adv. Pro. No. 10-05421 (BRL)

v.

FRANK AVELLINO, et al.,

Defendants.

-----x
**DECLARATION OF GARY A. WOODFIELD IN OPPOSITION
TO TRUSTEE'S MOTION FOR PARTIAL SUMMARY JUDGMENT**

I, Gary A. Woodfield, declare the following:

1. I am a partner in the law firm of Nason Yeager Gerson Harris & Fumero, P. A., counsel for the Defendants in the above captioned adversary proceeding. I submit this Declaration in opposition to the Trustee's Motion for Partial Summary Judgment.

2. Attached hereto as Exhibit 1 is a true and correct copy of the transcript of the deposition of Bernard L. Madoff, dated December 20, 2016, in *SIPC v. BLMIS*, Adv. Pro. No. 08-01789.

3. Attached hereto as Exhibit 2 is a true and correct copy of the transcript of the deposition of Bernard Madoff, dated April 26, 2017, in *SIPC v. BLMIS*, Adv. Pro. No. 08-01789.

4. Attached hereto as Exhibit 3 is a true and correct copy of excerpts of Bruce Dubinsky's May 8, 2019, testimony in *Picard v. Carol and Stanley Nelson*, Adv. Pro. Nos. 10-04377 and 10-04658.

5. Attached hereto as Exhibit 4 is a true and correct copy of a Letter from Frank Avellino to Bernie Madoff, dated December 9, 1992 (SECSFA0003756).

6. Attached hereto as Exhibit 5 is a true and correct copy of the pertinent paragraph in Affidavit of Frederick M. Werblow, sworn to January 15, 1993, in *SEC v. Avellino & Bienes*, (S.D.N.Y.), Case No. 92 Civ 8314 (JES). (SECSFA0003690).

7. Attached hereto as Exhibit 6 is a true and correct copies of A&B BLMIS statements (MF00063978, et al).

8. Attached hereto as Exhibit 7 is a true and correct copy of Michael Bienes Interrogatory Answers dated April 9, 2014, in *P&S Associates General Partnership, et al v. Michael D. Sullivan, et al*, 17th Judicial Circuit, Broward County Complex Litigation Unit, Case No. 12-034123 (07).

9. Attached hereto as Exhibit 8 is a true and correct copy of the transcript of the deposition of Michael Bienes dated September 10, 2015, in *P&S Associates General Partnership, et al v. Michael D. Sullivan, et al*, 17th Judicial Circuit, Broward County Complex Litigation Unit, Case No. 12-034123 (07).

10. Attached hereto as Exhibit 9 is a true and correct copy of the transcript of the deposition of Dianne Bienes dated November 7, 2019, in *Picard v. Avellino, et al*, Adv. Pro. No. 10-05421.

11. Attached hereto as Exhibit 10 is a true and correct copy of the transcript of the deposition of Bernard Madoff dated November 13, 2019, in *Picard v. Avellino, et al*, Adv. Pro. No. 10-05421.

12. Attached hereto as Exhibit 11 is a true and correct copy of excerpts from the transcript of the deposition of Nancy Avellino, dated May 24, 2010, in *Daley v. Avellino*, Commonwealth of Massachusetts, Nantucket, C.A. No. 09-10.

13. Attached hereto as Exhibit 12 is a true and correct copy of the transcript of the deposition of Bernard Madoff, dated October 19, 2015, in *P&S Associates General Partnership, et al v. Michael D. Sullivan, et al*, 17th Judicial Circuit, Broward County Complex Litigation Unit, Case No. 12-034123 (07).

14. Attached hereto as Exhibit 13 is a true and correct copy of excerpts from the transcript of the deposition of Frank Avellino dated September 9, 2015, in *P&S Associates General Partnership, et al v. Michael D. Sullivan, et al*, 17th Judicial Circuit, Broward County Complex Litigation Unit, Case No. 12-034123 (07).

15. Attached hereto as Exhibit 14 is a true and correct copy of an excerpt of the transcript of the deposition of Eric Lipkin dated January 14, 2020, in *Picard v. Avellino, et al*, Adv. Pro. No. 10-05421.

16. Attached hereto as Exhibit 15 is a true and correct copy of the Consents of Frank J. Avellino and Michael S. Bienes to Order of Preliminary Injunction and Other Equitable Relief

dated November 17, 1992, in *Securities and Exchange Commission v. Avellino & Bienes, et al.*, 92 Civ. 8314.

Pursuant to 28. U.S.C. § 1746, I hereby declare under penalty of perjury that the foregoing statements are true and correct.

Dated: April 5, 2022

Respectfully submitted,

NASON YEAGER GERSON HARRIS
& FUMERO, P. A.

By: /s/ Gary A. Woodfield
Gary A. Woodfield